HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 17082 of 2007

DATED 19th September, 2007

Between

Kakumani Educational Society,
4-11, Bazar Street, Puttur, Chittoor district,
rep. by its Secretary K.Kuppuswamy, and, ors

.....Petitioners

And

The Bar Council of India, rep. by its Chairman,
Bar Council of India, New Delhi, and, ors

....Respondents.

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 17082 of 2007

ORDER:

In this Writ Petition, the petitioners have questioned the order dated 19-7-2007 passed by the first respondent-Bar Council of India in proceedings No.BCI.D:890/2007(LE.Mtg), by which, the proposal of the first petitioner-society to establish second petitioner-Law College at Puttur town in Chittoor District of Andhra Pradesh is rejected.

It is stated that the first petitioner is a Society registered under the Societies Registration Act, 1860 and it was formed with the objective of promoting education by establishing educational Institutions. In furtherance of objectives, the first petitioner-society proposed to establish a Law College at Puttur town in Chittoor District. It is stated that after making necessary inspection, the second respondent-AP State Council of Higher Education, initially granted permission/No-objection vide proceedings in Rc.No.APSCHE/New Law Colleges/2006-2007/SVU-1, dated 20-7-2006, permitting the first

petitioner-society to establish second petitioner-Law College, to run 3-years L.L.B. and 5-years L.L.B. courses with sanctioned intake capacity of 80 students in each course with one section each. Even the third respondent-University had granted temporary affiliation for such courses vide Proceedings No.9505/CIII(2)/NLC/2006-2007, dated 2-8-2006. Further, inspection was made by the inspecting team constituted by the Bar Council of India on 28th and 29th June, 2007. Based on the report of Inspecting team, comments were invited from the University. But however, based on the recommendations of the Legal Education Committee constituted by the Bar Council of India, approval sought by the first respondent-Society is rejected mainly on the ground that the proposals were based on the building which is yet to be constructed and even the said proposed building is very small. In the said recommendations, it was also observed that no library was set up.

Separate Counter affidavits are filed by the Bar Council of India and the second respondent.

In the counter affidavit filed by the first respondent, it is stated that under the Rules of Bar Council of India in Part-IV relating to standards of legal education and recognition of degrees in Law for admission as Advocates framed under Section 7(h) and (i), 24(1)(c)(iii) and (iiia), and, 49(1)(af),(ag) and (d) of the Advocate's Act, 1961, specific provisions have been made in regard to approval of affiliation of Law Colleges by the Bar Council of India, and, for the said purpose, various committees have been constituted. While denying the allegation of the petitioner that all the infrastructural facilities required for establishment of Law College have been fulfilled by them, it is stated that the inspection team constituted by the Bar Council of India made inspection on 28/29-1-2007 and it was found that the infrastructural facilities requisite for establishment of law college did not in fact exist as on the date of inspection, and, as such, the petitioner is not entitle

for approval as sought for. Further, narrating the requirements of infrastructural facilities such as, adequacy of accommodation, class rooms, library etc., for establishing law college, it is asserted that as the Inspection team did not find requisite infrastructural facilities existing as on the date of inspection on 28-1-2007, based on the recommendations of the Legal Education Committee, the Bar Council of India rejected the proposals of the petitioners.

In the counter affidavit filed on behalf of the second respondent, it is stated that the first petitioner-Society was granted No-objection certificate and permission on 11-7-2007 based on the joint inspection committee report dated 8-7-2006, to start Law College. It is stated that the petitioner-College had shown the building with plinth area of 10,652 square feet for the proposed Law College. It is further stated that pursuant to the directions of this Court, further inspection was also made on 20-8-2007 and it was found that the petitioner-society had constructed building with plinth area of 12,400 square feet

Heard Sri S.Niranjan Reddy, learned Counsel appearing for the petitioners, Mrs.S.Nanda, learned Standing Counsel appearing for the first respondent, Sri C.Sudesh Anand, learned Standing Counsel appearing for the second respondent, Sri K.Jaganmohan Reddy, learned Standing Counsel appearing for the third respondent-University.

It is the case of the petitioner that in spite of the requisite infrastructural facilities provided by the petitioners for establishing law college, impugned orders are passed without properly examining the infrastructural facilities with regard to building, library etc., which are already provided by the petitioners. It is their further case that they are in possession of building with plinth area of 15,000 square feet, which is meant only for running Law College and in spite of the same, proposals are rejected on the mistaken impression that the proposals

are based on the proposed building and the same is small consisting of two class rooms, one library, one principal room, one staff room etc.,. Even with regard to library, it is stated that requisite library is already established.

On the other hand, it is submitted by the learned Standing Counsel appearing for the first respondent that the inspection team constituted by the Bar Council of India made inspection on 28-1-2007 and found that requisite infrastructural facilities for running Law College are not available. It is further submitted that as much as the second petitioner-college has not complied the requirements laid down by the first respondent for starting a law college, the petitioners are not entitle for grant of approval of affiliation as prayed for.

In this case, though it is the case of the petitioners that all the requisite infrastructural facilities for establishment of law college are already provided, but however, in the impugned order, it is stated that the proposals for establishing law college is based on the building which is yet to be constructed. In that view of the matter, this Court by order 14-8-2007 directed the second respondent-AP State Council of Higher Education to depute one responsible officer to verify and ascertain whether any building has come up as claimed by the petitioner for locating the proposed second petitioner-Law College. Pursuant to the said order of this Court, a report dated 20-8-2007 is submitted by the Vice-Chairman, and, Joint Director of A.P. State Council of Higher Education, wherein it is observed as follows:

> "1. There exists a well-constructed three storeyed building (Ground Floor, First Floor & Second Floor) at the site and the address provided by the management is D.No.1-52, Tirupathi-Nagari Road, Parameshwar Mangalam, Puttur, Chittoor District.
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> 2. The building consists of two blocks, namely 'A' Block & 'B' Block. In the 'A' Block, the management is running MBA and MCA college. The 'B' Block on the left side of

the building has been exclusively allotted to the proposed KKC Law College'.

In the said report, while mentioning about various rooms in the Ground Floor, First Floor and Second Floor provided for Class rooms, Library & Reading Room, Moot Court Hall, Common Hall, toilets, etc., its dimensions, its carpet area, it is stated that the said accommodation is in 12400 square feet constructed for the purpose of law college. Apart from the same, after the report of the inspection team constituted by the Bar Council of India, comments and explanation were invited from the University as contemplated under Rule 18 (e) of the Rules framed by the Bar Council of India under the Advocates Act, 1961. Even in the said comments, it is mentioned that there is requirement of establishing Law College in view of the considerable increase in number of degree colleges and junior colleges within the jurisdiction of S.V. University area. It is appropriate to extract some relevant comments made by the Registrar of S.V. University pursuant to the letter of the Bar Council of India, dated 9-5-2007, which read as under:

> "For the past 20 years, there are only three private law colleges in Chittoor District. During this period there is a tremendous growth in population to the extent of 5,00,000 and widespread residential area. There is a considerable increase in the number of degree colleges, and junior colleges within the jurisdiction of SV University area. The total number of Degree college in AP is 1,540 with a total in take of 12, 85,003 and the total number of junior colleges in AP is 3683 with a total in take of 17,50,000. The total number of junior colleges in Chittoor District are 174 and the total number of degree colleges in Chittoor District are 254. Since there is a considerable number of degree colleges and junior colleges in the State of Andhra Pradesh, it is obvious that there is need for the establishment of new private law colleges in the State of Andhra Pradesh.

> There are only 3 private law colleges in Chittoor District. Most of the students of Rayalaseema and costal areas of Andhra Pradesh prefer to join law colleges in Chittoor District which is considered to be a potential educational center and two important and major universities in AP namely Sri Venkateswara University, Sri Padmavathi Mahila Viswa Vidyalayam (Women's University) are located in SV University area. Keeping the growth of population and preference there is immense need for new private law colleges to cater the needs of the present and future generations in the context of globalization, privatization and liberalization.
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> The Bar Council of India in its inspection report mentioned that there is no ADJ Court in Puttur. But as per the APSCHE stipulations, the society may start new law college in its own building within a distance of 30 KM from District Court/Addl. District Court. The said college is located within the distance of 30 KM from Tirupathi where ADJ court is located. However, the Bar Council of India in Section B 12(4)(1) states that a law college shall be ordinarily located at a place where there is at least District Court or a Circuit District Court or within such distance there of as the Bar Council of India permits."

The inspection team constituted by the Bar Council of India made inspection on 28-1-2007 and observed in its report that the college possesses no infrastructural facilities for running law collage. But, however, from the report submitted to this Court and comments offered by the University, it appears, there is a completed building stated to have been earmarked for the purpose of the proposed law college. As much as it is stated in the report submitted to this Court that the building with plinth area of 12400 square feet has come up now, and, also it is the case of the petitioners that all other requirements for the proposed law college have been complied, I deem it appropriate to direct the first respondent to re-consider the application of the petitioners for the establishment of proposed law college at Puttur town

in Chittoor District.

Accordingly, impugned order dated 19-7-2007 passed by the first respondent-Bar Council of India in proceedings No.BCI.D:890/2007(LE.Mtg), is set aside and the first respondent-Bar Council of India is directed to consider the matter afresh, by taking into account the comments offered by the Registrar, S.V.University and by verifying the infrastructural facilities stated to have been provided by the petitioners for the proposed law college. The Bar Council of India shall consider the matter as expeditiously as possible and pass appropriate orders. It is made clear that it is open for the Bar Council of India to make further inspection, if it is so necessary.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 19th September, 2007.
Msnr.